

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 91, 95 and 99 have been amended. Claims 2-80, 83-86, 89, 94, 98 and 103 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1, 81-82, 87-88, 90-93, 95-97 and 99-102 are presented for examination.

35 U.S.C. § 102 Rejection

Claims 1, 81, 84, 87, 88, 90-92, 95, 96 and 99-101 are rejected under 35 U.S.C. §102(b) as being anticipated by Payton, U.S. Patent No. 5,790,935 ("Payton").

Claim 1, as amended, recites:

A method comprising:

broadcasting a content descriptor schedule to a client to indicate a future broadcasting of content descriptors, the content descriptors including first content descriptors and second content descriptors, wherein the first content descriptors are assigned a first unique identifier, and the second content descriptors are assigned a second unique identifier, wherein the first and second content descriptors are identified by the client via the first and second unique identifier;

broadcasting the first content descriptors to the client, the first content descriptors describing content for broadcast;

prioritizing the content in response to a feedback received from the client, wherein the feedback is automatically generated transparent to the client based on an amount of content consumed by the client;

broadcasting the second content descriptors, the second content descriptors describing the prioritized content for broadcast;

broadcasting the prioritized content to the client;

receiving a demand table in real-time or in batches, wherein the demand table is determined based on one or more of rankings of the prioritized content based on user interests, ratings of the prioritized content, and existing content at a client, wherein the demand table is created and updated at the client in response to filtering of the prioritized content based on one or more of the user interests of a current user at the client, user behavior of a previous user at the client, and content consumption at the client, wherein the demand table is received in response to a signal received at the client from

a server, or the demand table is received automatically at a predetermined time;

refining the prioritized content into demanded content based on the demand table; and
broadcasting the demanded content to the client.
(emphasis supplied)

Applicants respectfully disagree with the Examiner's characterization of the reference and the pending claims. Applicants maintain previous arguments, but for the sake of expediting issuance of this case, Applicants provide additional amendments to the pending claims and submit the following remarks.

For example, one of the sections of Payton the Examiner relies on regarding "demand table" states "each local server's ***prediction filter 54 updates its list 44 of recommended items in response to both a local periodic refresh via the backchannel 30*** (step 108) and a broadcast over the digital transport system 26 (step 110). In response to the periodic trigger, the local server 28 determines whether new subscriber profile data or billing data exists (step 112). If new data does exist, the local server dials up the distribution server 24 to establish a communication channel (step 114). The ***prediction filter sends the new profile and billing data back to the distribution server 24*** (step 116) and receives the prediction ratings and newly recommended items from the server 24 (step 118). *In response to a direct broadcast, the prediction filter 54 extracts the prediction ratings changes and newly recommended items from the server 24* (step 120). Thereafter, the prediction filter updates the list 44 of recommended items." (col. 7, lines 61-68-col. 8, lines 1-5; emphasis added).

Applicants respectfully disagree with the Examiner. Even without taking into account the new amendments proposed by the Applicants, the ***prediction filter to update its list of recommended items is not the same*** as the demand table of claim 1. Merely updating a list of recommended items using a prediction filter does not anticipate the

“demand table” and the relevant limitation of claim 1.

Furthermore, claim 1, as amended, in pertinent part, recites “**receiving a demand table in real-time or in batches**, wherein the demand table is determined based on one or more of rankings of the prioritized content based on user interests, ratings of the prioritized content, and existing content at a client, wherein the demand table is created and updated at the client in response to filtering of the prioritized content based on one or more of the user interests of a current user at the client, user behavior of a previous user at the client, and content consumption at the client, wherein **the demand table is received in response to a signal received at the client from a server, or the demand table is received automatically at a predetermined time**”. (emphasis supplied). Payton does not teach or reasonably suggest at least these features of claim 1.

Payton also discloses a “*collaborative filtering system [that] synthesizes the preferences of all of the subscribers and then predicts those items that each subscriber might like, and therefore request*. Each subscriber is *provided with a local storage device for storing, during off-peak hours, items recommended by the collaborative filtering system*.” (Abstract; emphasis added). Payton’s collaborative filtering system is not the same as filtering of the prioritized content based on the user interests being performed at the client” or “refining the prioritized content into demanded content based on the demand table; and broadcasting the demanded content to the client” as recited by claim 1. Payton does not teach or reasonably suggest at least this feature of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 91, 95 and 99 contain limitations similar those of claim 1 and thus, Applicant respectfully requests the withdrawal of the rejection of claims 91, 95 and 99

and their dependent claims.

35 U.S.C. § 103 Rejection

Claims 82, 93, 97 and 102 are rejected under 35 U.S.C. §103(a) as being unpatentable over Payton, U.S. Patent No. 5,790,935 (“Payton”).

Claims 82, 93, 97 and 102 depend from one of claims 1, 91, 95 and 99 and thus include all the limitations of their base claim. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 82, 93, 97 and 102.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

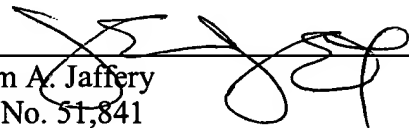
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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